PATENT Docket No. 204372000320

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on November 4, 1996.

Nancy J. Robins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Lynn E. Spitler et al.

Serial No.: 0

08/288,057

Filing Date:

10 August 1994

For:

PROSTATIC CANCER VACCINE

Examiner: P. Gambel

Group Art Unit: 1816

DECLARATION OF ROBERT OLDHAM, MD PURSUANT TO 37 C.F.R § 1.132

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

- I, Robert Oldham, MD, declare as follows:
- 1. I am the Director of the Biological Therapy Institute in Franklin, Tennessee. A copy of my Curriculum Vitae is attached hereto as Exhibit A. I am a consultant to Jenner Technologies, the assignee of the present application.
- 2. I have reviewed the Declaration Under 37 C.F.R. 1.132 prepared by Dr. Lynn E. Spitler describing the results of a clinical study directed to the use of prostate specific antigen (PSA) as an active ingredient in an antiprostate cancer vaccine. I am also familiar with the study itself, and with the results that were obtained.

- 3. The purpose of the study was to obtain evidence that the vaccines would raise a sufficient cellular immune response to have a beneficial effect with respect to prostate tumors. Such a result could be shown directly by measuring cytotoxic lymphocyte (CTL) generation; however, I am aware that this was not possible in these studies because the assay was not satisfactory because of the lack of an appropriate target cell for the assay.
- 4. The responses measured are understood in the art to be satisfactory substitutes for measuring CTLs. Thus, the proliferation of lymphocytes from two of the patients in response to contact with PSA or in response to peptides representing putative PSA epitopes is indicative of an appropriate cellular immune response. The ability of PSA or PSA derived peptides to stimulate cytokine production -- i.e., gamma interferon and IL-4 production -- from lymphocytes in these patients also indicates that the cellular response is obtained specifically with respect to PSA. The observation of the development of a positive skin test response to PSA in one patient is also consistent with these observations showing the development of cell-mediated immunity in the patients.
- 5. In my opinion, the results obtained in this clinical study provide evidence that the vaccines are likely to be effective in exerting a beneficial effect on patients with prostate tumors or at risk for prostate tumors.
- 6. The efficacy shown for the vaccine tested in the foregoing clinical studies further provides evidence that analogous vaccines based on host tissue antigen, such as prostate specific membrane antigen (PSMA) and prostate acid phosphatase (PAP) would behave in a similar manner. It is also well known that if the entire antigen is effective as a vaccine, portions of the antigen will be effective as well, especially if manipulated by art-known methods to enhance their immunogenicity, such as by coupling them to carrier.

Thereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

October <u>0</u>. 1996

Robert Oldham, MD

Revised: 10/1/95

CURRICULUM VITA

Name.

Robert K. Oldham, M.D.

Permanent Address

357 Riverside Drive

Franklin, Tennessee 37064

615/791-4073

Social Security #:

500-40-8139

Date/Place of Birth:

9/16/41; Pocatello, Idaho

Marital Status:

Single (5 sons)

College:

University of Missouri, Columbia, MO

Chemical Engineering Pre-Medical Sciences

Medical School:

1968, Medical Degree

University of Missouri Columbia, Missouri

Graduate Training:

1970-1971 Immunology

NIH Graduate Program

Professional Employment

1991 - Present

Chairman of the Board and President

Cancer Therapeutics Inc. 357 Riverside Drive

Franklin, Tennessee 37064

1992 - Present

Chairman of the Board and President

American Patient Services
357 Riverside Drive

Franklin, Tennessee 37064

1986 - Present

Chairman of the Board

Media America 357 Riverside Drive

Franklin, Tennessee 37064

Consultant:

1984 - 1986 Wellcome Biotechnology Ltd. Kent, England

1989 - Present Amersham International Buckinghamshire, England

1991 - Present Cancer Treatment Centers of America Zion, Illinois

1994 - Present Applied Immune Sciences
Santa Clara, California 95054

Editorial Boards:

Cancer Biotherapy, Founder, (now Cancer Biotherapy & Radio-pharmaceuticals) Editor-in-Chief

In Vivo, Editorial Board
Natural Immunity and Cell Growth Regulation, Editorial Board

Molecular Biotherapy, Founder and Editor-in-Chief

Journal of Biological Response Modifiers (now Journal of Immunotherapy) Founder and Editor-in-Chief

Cancer Immunology and Immunotherapy, Editorial Board

Major Research Interests:

Cancer Biotherapy
Biologicals and Biological Response Modifiers
Investigative Trials in Clinical Oncology
Cellular Therapy of Cancer
Monoclonal Antibodies & Immunoconjugates in Cancer Treatment
In Vitro Assays in Tumor Immunology
Privatization of Cancer Research

Professional Employment (Continued)

1984 - Present Founder and Director

Biological Therapy Institute

357 Riverside Drive

Franklin, Tennessee 37064

1984 - Present Clinical Professor of Medicine

Hematology/Oncology University of Missouri Columbia, Missouri 65212

1984 - 1990 Founder, Scientific Director and

> Chairman of the Board Biotherapeutics Inc.

(Now Response Technologies, Inc.

Technologies, Inc.)

Memphis, Tennessee 38117

1984 - 1986 Founder and Consultant

> Biomedical Research Center University of British Columbia

Vancouver, British Columbia V6T 2B5

Founding Director, Biological Response 1980 - 1984

Modifiers Program

Associate Director, Division of

Cancer Treatment

National Cancer Institute Frederick, Maryland 21701

1975 - 1980 Founder and Director, Div. of Oncology

Associate Professor of Medicine Associate Director; Cancer Center Vanderbilt University Medical Center

Nashville, Tennessee 37232

Professional Employment Continued

1974 - 1975 Senior Investigator

Laboratory of Immunodiagnosis

National Cancer Institute Bethesda, Maryland 20205

1973 - 1974 Senior Investigator

Cellular and Tumor Immunology Section Laboratory of Cell Biology

National Cancer Institute Bethesda, Maryland 20205

1972 - 1973 Research Associate with

Professor G. Mathe

ICIG - Hospital Paul Brousse

Villejuif, France

1971 - 1972 Clinical Associate, Cellular and

Tumor Immunology Section Laboratory of Cell Biology National Cancer Institute Bethesda, Maryland 20205

1970 - 1971 Clinical Associate, Radiation Branch

National Cancer Institute Bethesda, Maryland 20205

1968 - 1970 Internal Medicine

Intern and Resident

Vanderbilt University Hospital Nashville, Tennessee 37205

Clinical Group Appointments:

1986 - 1990

1976 - 1980 Principal Investigator - Vanderbilt

Southeastern Oncology Study Group (NCI)

1978 - 1980 Principal Investigator - Vanderbilt

Lung Cancer Study Group (NCI)
Founder and Group Chairman -

National Biotherapy Study Group

1986-Present Principal Investigator - Biological Therapy

Institute - National Biotherapy Study Group

Fellowship Experience:

1970 - 1972	Medical Oncology Fellowship, National Cancer Institute - Bethesda, Maryland
1967	PHS Cancer Clinical Fellowship, Lemuel Shartuck
1967	Hospital-Jamaica Plain - Boston, Massachusetts PHS Cancer Clinical Fellowship, Ellis Fischel Cancer
1965	Hospital - Columbia, Missouri PHS Student Research Fellowship, University of Missouri Medical School - Columbia, Missouri

Honors, Awards and Societies:

1967	Aipha Omega Alpha
1970	Diplomat, National Board of Medical Examiners
1975	Diplomat, American Board of Internal Medicine
1975	Diplomat, Medical Oncology, American Board of Internal Medicine
1976	American Association of Immunologists
1976	International Society for Experimental Hematolog
1976	Williamson County Medical Society
1977	Southern Medical Association
1977	American Federation for Clinical Research
1977	American Society for Clinical Oncology
1978	American College of Physicians, Fellow
1979	Southern Society for Clinical Investigation
1982	American Osler Society
1984	Society for Biological Therapy, Founder
1004	President - May 1984 to November 1986
1984	Reticuloendothelial Society
1986	National Biotherapy Study Group, Founder
	Group Chairman - 1986 to 1990
1990	Association of Community Cancer Centers
1994	International Cytokine Society
1994	The American Association of Bioethics

Licensure:

Tennessee, Maryland and Missouri

Major Accomplishments (Curriculum Vitae #)

Discovery of Natural Killer Cells (#8, 9, 27, 28, 31, 46, 47, 56, 90, 92, 121, 157 323)

Development of improved therapy for small cell lung cancer (#66, 69, 78, 80, 85, 95, 103, 105, 108, 124, 177)

Development of improved therapy for ovarian cancer (#99, 102, 125)

Development of improved methods in detecting and treating extragonadal germ cell tumors and other poorly differentiated tumors
(#22, 87, 93, 122, 123, 227, 228; 5-Book)

Use of cryopreserved cells for standardized immunological testing (#37, 38, 40, 41, 45, 49, 52, 120)

Cancer Biotherapy: first to use the term to describe a fourth modality of cancer treatment (#109, 114, 119, 128, 129, 134, 137, 139, 141, 146, 151 153, 154, 161, 169, 173, 174, 175, 176, 179, 181, 183, 184, 188, 193, 197, 204, 206, 212, 225, 240, 249, 250, 184, 188, 193, 197, 204, 206, 212, 225, 240, 249, 250, 252, 260, 261, 262, 264, 265, 266, 267, 301, 302, 314, 319, 322, 324, 325, 332, 333, 338, 339, 340, 343, 344, 346, 349, 356, 357, 358, 360, 361, 362, 363) 10 Books)

Monoclonal antibodies and immunoconjugates in cancer treatment: Did groundbreaking experiments with toxin, drug and isotope conjugates

(#125, 126, 140, 143, 144, 145, 150, 152, 155, 156, 159, 160, 165, 180, 181, 182, 185, 187, 195, 196, 198, 199, 206, 218, 223, 224, 235, 238, 241, 244, 246, 247, 248, 251, 253, 254, 263, 278, 279, 285, 286, 287, 288, 291, 306, 307, 310, 311, 318, 325, 327, 342, 347)

Cytokine and Cellular Therapy: Conducted some of initial clinical experiments with IL-2 in LAK and T cell therapy

(#249, 255, 259, 281, 290, 294, 295, 298, 301, 302, 309, 311, 314, 322,324,332,333,349,356,357, 358, 361, 362)

Individualized Cancer Treatment: Conducted specific laboratory and clinical experiments demonstrating that each cancer in each patient has unique characteristics which may require unique, individualized treatment

(#267, 279, 285-288, 291, 306, 307, 310, 318, 325, 327, 342, 347)

Privatization of Cancer Research: Brought attention to clinical research opportunities in the private sector. Published widely on problems of access to new technologies and the funding of clinical research

(#134, 205, 206, 207, 231, 236, 245, 256, 257, 268, 269, 282, 284, 289,

293, 308, 312, 316, 317, 319, 321, 325, 326, 330, 331, 334, 335,

350, 352, 353, 354, 355, 358,359, 364, 11-Books)

Publications

Over 380 papers published in the medical/scientific literature

Thousands of abstracts, posters and presentations at various meetings on cancer research and treatment

Editor of Principles of Cancer Biotherapy, the first comprehensive textbook on the fourth modality of cancer treatment (Now in Third Edition).

LYNN E. SPITLER, MD

Founding Editor of Cancer Biotherapy, (now Cancer Biotherapy & Radiopharmaceuticals), Molecular Biotherapy and the Journal of Biological Response Modifiers (now Journal of Immunotherapy).

Author or editor of thirteen books on cancer research and treatment

BIBLIÓGRAPHY

Published Papers

- Oldham, R.K. Terminal cancer A patient oriented approach. J. Tenn. Med. Assoc., 63 206, 1970.
- Oldham, R.K. Aseptic meningitis following the intrathecal injection of RISA. Radiology, 97:317, 1970.
- Oldham, R.K. Eosinophilic Granuloma South. Med J, 64 978, 1971
- Oldham, R.K. and Pomeroy, T.C. Vincristine induced inappropriate ADH syndrome. South Med J., 65:1010-1012, 1972
- Oldham, R.K. and Pomeroy, T.C. Treatment of Ewing's sarcoma with Adriamycin Cancer Chemotherapy Reports, 56 635-639, 1972
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- Oldham, R.K., Larson, S.M., and Givelber, H.M., Chretien, P.B., and Johnson, R.E.. A preliminary study of 51Cr-labeled platelets for evaluation of splenic sequestration in chronic lymphoxic leukemia. J. Nuclear Med., 37,219-222, 1973.
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- Oldham, R.K., Herberman, R.B. Evalution of cell-mediated cytotoxic reactivity against tumor associate antigen utilizing 125lododeoxyuridine labeled target cells. J. [mmunol], 111-1862-1971, 1973.
- Lemevel, B.P., Oldham, R.K., Wells, S.A., and Herberman, R.B. An evaluation of 1251ododeoxyuridine as a cellular label for <u>in vitro</u> assays. Kinetics of incorporation and toxicity. J. Nat. Cancer Inst., 51 1511-1558, 1973.
- Oldham, R.K. and Simmler, M.C. The use of cryopreserved lymphocytes and lymphoblasts in 51Ci lymphocyte cytotoxicity. In Weiner, R.S., Oldham, R.K., and Schwarzenberg, L. (Eds.). The Cryopreservation of Normal and Neoplastic Cells, Inserm, Institute National de la Sante et de la Recherche Medicale. Paris, pp. 161-169, 1973.
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- Mathe, G. and Oldham, R.K. Introduction In Mathe, G. and Oldham, R.K. (Eds.): Complications of Cancer Chemotherapy. New York, Springer-Verlag, pp. 1-2, 1974
- Beard, J., Weiner, R.S., Oldham, R.K., and Mathe, G.: Immune responsiveness in acute lymphocytic leukemia patients under chemotherapy and immunotherapy. A preliminary report. In Mathe, G. and Oldham, R.K. (Eds.): Recent Results in Cancer Research: Complications of Cancer Chemotherapy. New York, Springer-Verlag, pp. 56-60, 1974.
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Branschweig, West Germany, Friedr. Viewegh and Sohn, pp. 431-440, 1975

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Lojek, M.A., Fer, M.F., Oldham, R.K., Greco, F.A., Roger, L.W.: Cushing's syndrome with 86. metastatic nonkertinizing carcinoma of the cervix. Report of a case and literature review. Am. J Med., 69:140-144, 1980.

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